

EXTERNAL (for general distribution)

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Fear of torture / Legal concern

17 February 1995

TUNISIA

Tahir ZOUINEKH

Tahir Zouinekh has been held incommunicado in an unknown place since his arrest in Gabès on 27 December 1994, far beyond the legal limit permitted by Tunisian law. He is at risk of torture or ill-treatment as long as he remains incommunicado.

On 25 December, Tahir Zouinekh returned from visiting his relatives in Germany.

The following day he was summoned by police in Gabès and questioned about his relatives in Germany, one of whom is a political refugee. On 27 December, he was summoned three more times by the police and then detained. Despite repeated inquiries with the local police and judicial authorities, Tahir Zouinekh's family has been unable to establish where he is being held.

Tunisian law limits *garde à vue* (incommunicado) detention to a maximum of 10 days; the law also stipulates that *garde à vue* detention may only be extended after the first four days by written order of the *procureur de la République* (public prosecutor).

BACKGROUND INFORMATION

Over the past year several people have been arrested after returning to Tunisia from abroad. Some live abroad, while others had been on holiday or had visited relatives who live abroad. All have been questioned about the activities of their Tunisian relatives or friends abroad, especially if these are political refugees or government opponents. Most of them were accused of providing links between Tunisian political refugees and political opponents abroad, and were sentenced to terms of imprisonment. Other relatives of Tunisian political refugees abroad have frequently been detained by police for questioning about the whereabouts and activities of their relatives abroad and threatened with imprisonment if they do not provide information such as addresses and telephone numbers of their relatives. Wives and children of Tunisian political refugees abroad are prevented from leaving the country to go to join their husbands.

A new article added in November 1993 to the Tunisian Code of Penal Procedure made it possible to imprison Tunisian nationals for peaceful activities in other countries, such as meetings, which are considered an offence in Tunisia - even if these are not considered an offence in the country where they took place. Several prisoners of conscience have already been imprisoned under this new law.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in French/Arabic/English or in your own language:

- expressing concern at the prolonged incommunicado detention of Tahir Zouinekh beyond the maximum legal limit permitted by Tunisian law;
- urging that his family be told where he is being held and that he be allowed immediate access to his relatives, lawyer and to medical care if necessary.

APPEALS TO

1) Minister of Justice
M. Sadok Chaâbane
Ministre de la Justice

Ministère de la Justice
Boulevard Bab Benat
Tunis, Tunisie

Faxes: +216 1 568 106 or +216 1 567 070

Telexes: 13000 maet tn (via Ministère de l'Intérieur)

Telegrams: Ministre de la Justice Chaâbane, Tunis, Tunisie

Salutation: Excellence / Your Excellency

2) Minister of the Interior

M. Mohamed Jegham
Ministre de l'Intérieur
Ministère de l'Intérieur
Av Habib Bourguiba
Tunis
Tunisie

Faxes: +216 1 340888

Telexes: 13662 sdap tn

Telegrams: Ministre de l'Intérieur, Tunis, Tunisie

Salutation: Excellency / Your Excellency

COPIES OF YOUR APPEALS TO:

M. Salem Makki

Conseiller Présidentiel chargé des droits de l'homme

Palais Présidentiel
Carthage/Tunis
Tunisia

Faxes: +216 1 731 009 or +216 1 742 513

Me Taoufik Bouderbala, Président
Ligue Tunisienne des Droits de l'Homme, LTDH
21 Rue Imam el Bakri
1002 TUNIS Belvedere
Tunisia

Faxes: +216 1 801599

and to diplomatic representatives of Tunisia accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 1 April 1995.